

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LEONID ZELDICH,

Petitioner,

v.

PA BOARD OF PAROLE & PROBATION, et al.,

Respondent.

CIVIL ACTION
NO. 17-1900

ORDER

AND NOW, this 1st day of December, 2017, upon consideration of Petitioner's Motion to Stay Counseled Petition for Writ of Habeas Corpus by a Person in State Custody Pursuant to 28 U.S.C. § 2254 Pending Resolution of PCRA Proceedings in State Court (Docket No. 11), Respondent's Reply to Petitioner's Request for Stay of Proceedings (Docket No. 13), and after review of the Report and Recommendation ("R&R") of the United States Magistrate Judge Henry S. Perkin dated October 25, 2017, it is hereby **ORDERED** as follows:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. Petitioner's Motion to Stay Petition for Writ of Habeas Corpus (Docket No. 11) is **GRANTED**;
3. The Petition for a Writ of Habeas Corpus is **STAYED** and held in **ABEYANCE** until the conclusion of Petitioner's state appellate proceedings;
4. Petitioner shall return to federal court within thirty (30) days following the conclusion of his state court proceedings. If Petitioner does not return to federal court within thirty (30) days following the conclusion of his state court proceedings, this stay and abeyance order is vacated and the Petition may be dismissed; and

5. There is no probable cause to issue a certificate of appealability.

BY THE COURT:

/s/ Jeffrey L. Schmehl
Jeffrey L. Schmehl, J.